



CSU budget knife cuts both ways

By Les Mahler
Daily staff writer

"The sky is falling, the sky is falling..."
When it comes to the CSU budgetary mess, Chicken Little may not have been far off in her doomsday prediction.

With an overall budget of some \$1.6 billion, and dependent upon the state for 95 percent of its funding, the CSU system finds itself almost last in line when awaiting its fair share of the proverbial pie.

In fact, according to officials at the Chancellor's Office in Long Beach, for

the past three or four years, the CSU system constantly has found itself sitting further and further to the back of the bus when it comes to state funding.

But how did it get a seat in the back of the bus in the first place?

To find out one needs to examine just what the CSU system is, beyond its classrooms, students and faculty.

The CSU system was first conceived in 1960, when state legislators thought of formulating a higher education system to complement the University of California system. Through much wrangling, the system finally saw the light of day in 1961 with a total of 18 campuses. (The Bakersfield

and San Marcos campuses would come later.)

At that time, San Jose State College, prior to becoming part of the entire system, received \$16 million in state funding in April 1960. Of that sum, \$4 million was used for buildings on the campus.

In 1966-67, six years after its creation, the CSU system was allocated \$167,704,500 to divide among the 19 universities. And so it continued for year upon year, as the cost of education went ever higher and the state continued to provide an inexpensive alternative.

By 1982-83, the cost of education

had climbed so high that the state was forced to dole out \$1.1 billion to fund CSU.

While the figures in dollars and cents looked high, they usually represented about 4 or 5 percent of the state budget. And for years, that's how things went between the state and CSU — until 1991-92, when, for the first time, the state scaled down its percentage of funding. Although actual money increased, the percentage of the total amount declined in comparison to what the state budget had as income.

Although 1991-92 was the first year that the percentage of money declined to under 4 percent, it was dur-

ing the 1986-87 state budget that state appropriations first dropped from 4.62 percent in 1985-86 to 4.31 percent in 1986-87.

So, while California's incoming revenue was \$32.2 billion for 1986-87, the actual amount given the CSU system was only \$110 million more than the previous year. In effect, the CSU was starting to lose ground when it came to getting a share of the state's budget.

By 1991-92, with state revenues at \$46.2 billion, CSU's appropriations had actually dropped to 3.56 percent of California's budget, a 1.06 percentage drop in funding, or roughly \$100

Analysis

million, according to Bentley-Adler. Put in proper perspective, SJSU's budget allocation for 1992-93 is \$1.6 million. With just \$6 million more, SJSU would have its full budgetary complement. Or, in another light, the proposed 40 percent increase in student fees would generate \$116 million for CSU, according to the chancellor's office.

The reason behind the funding dif-

See BUDGET, Page 9

SPLISH-SPLASHIN' IN THE SUN



Marcio J. Sanchez — Daily staff photographer

As temperatures reached the low '80s Tuesday, SJSU students like industrial design freshman Ken Boswell and aviation junior Nader Mohammed found ways to keep cool while others were inside the library preparing for finals.

Nader, Ken and their friends Edwin Tan and Andrew Carlson played a friendly game of water polo at the Aquatic Center that afternoon. The Aquatic Center is open to students every day for swimming and water sports.

Judiciary: Whitney can keep senate seat

By Marcia Lepler
Daily staff writer

Blair Whitney, a junior in political science whose election to SJSU's Academic Senate was put on hold pending an investigation, will assume his post in the fall, the Associated Students (A.S.) Judiciary has decided.

The judiciary did not rule on whether Whitney violated the A.S. election code, but essentially made a de facto decision because it lacked a quorum to rule on the issue.

The judiciary had been dormant for five years, and its decision in the Whitney case sheds light on a little-known — and little-used — arm of the A.S. that is empowered to interpret the constitutionality of the A.S. bylaws and to hear cases involving violations of A.S. and university rules and regulations.

Its handling of the Whitney case raises questions by both Whitney and the A.S. Election Board, a separate entity that originally brought the charges against Whitney and notified the judiciary.

Those charges centered around Whitney's alleged active role in the production of a candidate-endorsement list by a group of SJSU students calling themselves "Students for Humanities and the Arts." Whitney's name was on the flier, along with

See WHITNEY, Page 12

Editor's note

This is the last Daily for the semester. We will return on August 26.

SJSU's senate election results announced

Members will meet this summer to discuss budget

Daily staff report

On Monday, the election results of roughly one-third of the Executive Committee of SJSU's Academic Senate were announced. For academic year 1992/93, the members of the senate's principal policy-making committee are as follows:

- Chairperson: James Smart, a professor in the mathematics and computer science department
- Executive Vice President: Dean Batt (Interim)
- Past Chairperson: Bobby Gorenberg, a professor in the nursing department
- President: J. Handel Evans (Interim)
- Academic Vice President: Arlene Okerlund
- Statewide Senator: Allison Heisch, a professor in the English department
- Chairperson of Committee on Committees: Bethany Shifflett, an associate professor in the human performance department
- President of Associated Students: Todd Lavering
- Secretary: Nancie Fimbel, director of the business graduate program, College of Business
- Chairperson Elect: Irene Miura, program director for the child development program
- Vice President for Student Affairs: Gerald Brody (Interim)

The committee has scheduled additional meetings for this summer to address the budget.

Evans predicts rocky year ahead

Interim president addresses ROTC, riots

By Tony Marek
Daily staff writer

Interim President J. Handel Evans' first academic year at the helm of SJSU has been marked by one of the worst budget crises in the history of the CSU system. His administration has had to wade through the controversy over issues ranging from the future of ROTC on campus to the local backlash to the verdict on the Rodney King beating trial.

Evans took some time Monday to reflect and give his impressions of the events of the past two semesters, how he is dealing with the issues facing the campus today and about his plans for the year to come.

Looking back

Q How do you feel about your past year at SJSU?

A Well, it's certainly been interesting. It's been tough at times. The anxiety level has been at an

all-time high. I think I was fairly correct in anticipating that this semester would be a very tense one. I don't think it's over yet.

The unknown raises everyone's level of insecurity and anxiety. And we all know that next year is going to be a very difficult year for us, probably worse than the last one.

Some good things have happened. We've finally got a lot of people (alumni) to return to the campus and give back to the university some of the things that they have gotten out of it.

I think we're getting the message out that there is a crisis in higher education in this state. And we'll continue to bring that message to the general public.

Q Do you see your continuing role as interim president as that of a pro-active decision maker or more as a caretaker president?

A I don't think anyone can afford to be a caretaker president in our system at this particular time. There is too much uncertainty. There's too much of a need to make decisions, be they hard or soft decisions.

This place needs leadership, and it needs pulling together and it needs someone to represent it. When you're dealing with these times we're in, I don't think we have the luxury of caretakers.

The SJSU backlash to the Rodney King beating verdict

Q How do you feel SJSU as a whole has weathered the local backlash to the Rodney King police brutality case verdict?

A I think it's come through it pretty well. I'm not sanguine about it; I'm concerned.

I think the Rodney King case reflects, what I consider to be, an essential element of the future of the state of California — and that's a good educational system.

We have to spend money on the education of our young, in order to destroy prejudice — rather than buildings and property.

An uneducated person is the easiest and most simple cause of discrimination and hatred. That's what education is all about.

I'm not talking about getting a degree I'm talking about education. How do we live with one another? How do we understand one another? What are the controlling influences of our lives as children? How were we taught in schools?

Education takes time, and patience and nourishment. All those things we seem to have got-

ten away from. And we're seeing it in the hopelessness in our major cities. We're seeing it in the way we deal with one another.

And if we keep starving education, we will be seeing it on the unemployment line, if we're not already doing so.

Q What changes do you anticipate resulting from these disturbances here on campus?

A I've asked the Human Relations (Advisory) Board to get together with the Academic Senate to do some studies of campus life and relationships, and study the climate here, to find out just what we can do.

Now we do a hell of a lot, right now. In fact, I'm quite proud of what we do. But there's always room for improvement. And as things change, institutions should change. So I'm hoping that will be a high priority.

Specifics? I don't know. I'm going to have to see.

Some of the things we did last week were exemplary. I think student services, the housing people and the cops handled the situation very well — in view of the circumstances.

I think the most important thing is to make sure that we put in the educational elements that allow us to survive together.



J. Handel Evans

The 40 percent fee hike

Q What can SJSU expect next year if the 40 percent fee increase doesn't go through?

A You can expect to graduate in about two years longer than you anticipated. And you can anticipate that you might not be able to graduate in — meaning that we won't be able to offer a lot of the things that we offer now. We're going to have to down-size the campus.

Q What if the 40 percent fee hike does go through? What is the scenario?

See HANDEL, Page 14

So ... WHAT'S YOUR POINT?

Brooke Shelby Biggs



When your number is up

The stiff breeze whipped past as I stood and stared out into the road. Pregnant women streamed out the double glass doors behind me, and two men sat in the shade sipping Diet Pepsi and discussing baseball.

A child inside yelled — out of pain or glee, I couldn't tell — and my heart leaped into my throat. I tried desperately, but I couldn't keep my hands from shaking. I was shivering in the 90-degree heat.

My friend arrived, and we smiled falsely at one another, trying to appear cool and collected. We went inside.

The couple ahead of us leaned in the window at the clerk and whispered. The man clutched "The Anxiety and Phobia Workbook" under his arm, grabbed the pile of paper work and sat down with the woman on a hard bench.

We leaned in the same window, whispered the same things, grabbed the same pile of paper work and sat on a bench just across from the couple. The air in the antiseptic room was muggy with fear and anticipation, and sweat beaded on my brow.

A stern-looking woman peered out of a door and said, "Seventy-five?" I looked at the Post-It Note in my lap. It said "108." I would have to relax. It was going to be a long haul.

I jumped when the man next to me leaned toward me and offered a jovial "Hi!" It seemed ridiculously inappropriate. Everyone in the room, myself included, was trying to fade into the background. We all avoided eye-contact. We were not there.

Except John. John launched into his life story. It was the abridged version. His Post-It Note said "92." He was waiting for a different door to open. The woman who emerged called number 76. John didn't seem to mind.

"Everyone's so tense around here. They always are. I just figure, if you gotta be here, you might as well have a good time."

I could have argued with him, but my mind was blank and my initiative sapped. It seemed easier to listen to his stories of driving his big rig and selling roses wholesale. It flashed across my consciousness that John was used to this. He'd been here a lot. I wondered why, until I realized I didn't want to know. "First time, huh?" he asked.

I wanted to tell him to shove off, but I was beginning to like him. He was simple. This day was complicated.

"Yeah," I said.

The sound of a door opening turned every head. The two high-school-aged girls in the corner flinched. The woman called number 107. My friend stood and smiled back at me and disappeared behind the door.

"Those girls over there?" John said. "They haven't been here before either. You can tell. No one knows they're here. No one will ever know. That's how the world is."

John turned and engaged the woman across from us in a discussion of espresso carts. I guess my nervous silence had bored him.

The door opened again. Before she spoke, I knew. "One-oh-eight," she said. John grabbed my hand and said, "Good luck."

The woman smiled as I entered, and I tried to smile back, but my cheeks felt numb. I knew it looked false. She didn't seem surprised. She led me into a small room with walls covered with children's scribbles. One was signed, "Jacob."

I sat down at the desk. She told me her name, and I forgot it a moment later. She didn't ask me mine.

She asked questions and I answered them. She asked questions I realized I had never asked myself before. She asked questions I didn't want to answer. I suppose that was why I was there.

She gave me a new pile of brochures and paperwork, and a new identification number. Then she sat me down in a different cold, hard chair and strapped me in.

I didn't watch the needle. I used to, when I gave blood, thinking it would hurt less if I knew when to expect the stick. This time I stared at Jacob's drawing and tried to imagine what he looked like. I didn't feel the needle go in. I thanked her for being gentle. She seemed genuinely grateful for my acknowledgment.

Once I was outfitted with a cotton ball taped to the crook of my elbow, she helped me up. She told me to come back in two weeks with my number. We said goodbye.

I found my way through the barren halls back to the waiting room, where I found my friend. The same dazed faces furnished the room. The nurse was on number 112.



Fred Limpert and Ed Fowler — Spartan Daily

LETTERS TO THE EDITOR

Feel the power, vote

Editor,

I greatly enjoyed the opportunity to speak at the San Jose State University Club on April 21. Unfortunately, a point made about the absolute need for students to become involved in the political process as a matter of course was absent from the Spartan Daily article about that evening ("State leaders speak out at SJSU dinner," April 24.)

That article quoted me as saying: "College students are background for parties on political campaigns. I pledge to you that I will do whatever I can to make it easier. I will hire interns — anything." That's all true. But to me, what I said between those two sentences is much more salient point to college students — and I say that as your neighbor, not as a Member of Congress.

So, at the risk of quoting myself, I'd like to make the point again.

"Right now, the political professionals rely on college students for primarily one function — to serve as television backdrops for rallies during presidential campaigns. You and I have got to find some way to teach our young people that they must learn the issues we've been discussing and then vote. I pledge I will do whatever it takes. I will come and speak, hire interns, anything."

Students are vital in our participatory democracy. Taking advantage of your franchise is in your own self-interest as individuals who have responsibilities to your families, friends and consciences. It is in your own self-interest as Californians.

Silence at the polls or in campaigns means that someone winds up making choices for you. You wouldn't stand for that when choosing where to go to get the loans they need to pay for that education? I wouldn't and neither should you.

The choices we make about individual office seekers and ballot initiatives affect

how the valley, the county and the state fare at every level of government — and never more so than in times like these when federal dollars are scarce.

For example, Washington is currently suffering from a disease known as ABC, or Anywhere But California. As our state's leadership in the country increases, so does resentment in less fortunate areas. That means we have to work harder than ever to ensure that California gets its fair share of business, federal projects, education funding and other support that our 30 million people need. But none of that happens unless we stand up for ourselves — and that's something I can't stress too strongly.

Please stay informed, stand up, get counted and vote. Feeling powerless and insignificant is a perception of reality, not reality. More to the point, feeling powerless is self-defeating — which, to me, is a crime in itself. It need not be so.

Norman Y. Mineta
Member of Congress

Directors' support

Editor,

As directors within the Division of Student Affairs, we would like to respond to the statements made in Tuesday's article by Dr. Richard Sanchez on the management style of Interim Vice President Jerry Brody. We have found Jerry Brody to be a most effective manager, one who does his utmost to balance student, staff and faculty needs with current budgetary restraints.

Along with the entire university community, each department within the division has had to deal with serious budget reductions this year. We have all had to manage our departments with a hiring freeze on all vacant positions. Any exceptions were only granted through June 30, 1992.

In planning for possible additional budget

reductions for the 1992-93 fiscal year, Jerry Brody has been most collaborative and asked each director to prepare budgets for our respective departments with a projected 6.5 percent, 9.8 percent or 13 percent reduction. Throughout this budgetary review process, he has consulted with us both individually and collectively and kept us informed of the status of the state budget. It is clearly understood that any further reductions in our departmental budgets for 1992-93 will be made in consultation with each of us based upon our recommendations.

During these uncertain budgetary times, Jerry Brody has been effective in balancing the need for future vision with what is realistic in the delivery of quality services during this difficult economic period. Interim Vice President Brody has made effective decisions — some of which were most complex. He has taken input and feedback into account prior to announcing and implementing decisions affecting the future of student-related services.

Interim Vice President Brody had utilized a management style suitable to the current state of affairs at SJSU. He believes in quality services for students despite budgetary restraints. We are fortunate to have such an effective manager and decision maker on this campus.

Donald R. Ryan, Financial Aid
Cheryl Allmen, Career Planning and Placement
Ron Barrett, Student Union
Harriet Pila, Prevention and Education Program
Fred Najjar, University Housing Services
Jim Cellini, Student Activities and Services
Mara Southern, Testing and Evaluation

Correction/Clarification

An April 27 article about the SJSU Alumni Association contained several incorrect facts and misleading omissions.

Among the errors was the failure to accurately differentiate between the Alumni Association and the SJSU Annual Fund.

The Alumni Association

The Alumni Association is a non-profit organization auxiliary to the university that provides activities and services to alumni. Alumni Association money goes primarily to support Alumni Association member services and activities. Members' dues support the Alumni Association as well as eight college alumni associations. The Association has about 2,000 life members and 4,000 annual members.

The Alumni Association board and the eight college boards make decisions regarding alumni dues revenue, not the annual fund.

The Daily incorrectly reported on remarks made by Janet Redding, director of university advancement, regarding alumni donations. Redding only stated that no one has asked that a donation be returned over the controversy surrounding the presidential search.

The story incorrectly reported on the type of fund-raising that takes place at the individual college level. Individual colleges do not carry out fund raising for the Alumni Association. They are primarily involved in alumni communications and special events.

The house used by the Alumni Association is owned by the university and leased

by the association.

Alumni Association annual operating expenses were incorrectly reported. Actual expenses come to about \$230,000 per year, according to Redding.

The Alumni Association's level of financial support for the San Jose State Digest was incorrectly reported. The association pays 25 percent of the printing costs and the salary of a half-time writer.

SJSU Annual Fund

The SJSU Annual Fund is a university fund-drive run by the Office of University Advancement. The annual fund is not connected with the Alumni Association and does not draw on Alumni Association membership dues. Funds raised by the Annual Fund support educational purposes and are administered by the university president and the deans of the various SJSU colleges.

The university conducts the Annual Fund drive — not the Alumni Association.

Unrestricted gifts to the university were described in the article in a context that implied its use could be limited. Unrestricted gifts to the university can be used for any educational purpose.

The Alumni Association/Spartan Foundation fund-raising auction benefits the event's sponsors. None of the money raised at the fund-raising auction was designated to go into the Annual Fund.

The name of Beth Pugliese, associate director of university advancement, was misspelled.

Hold that thought

The Spartan Daily provides a daily forum page. Contributions to the page are encouraged from students, staff, faculty and others who are interested in the university at large.

Any letter or column for the forum page must be turned in to the Letters to the Editor box in the Spartan Daily newsroom, located in Dwight Bentel Hall 209, during regular business hours.

Submissions may also be mailed to the Forum Editor, the Spartan Daily, department

of journalism and mass communications, San Jose State University, One Washington Square, San Jose, CA 95192-0149.

Articles and letters must contain the author's name, phone number, address and major (if a student).

Contributions must be typed or submitted on a 3.5" Macintosh-compatible disk.

Submissions become the property of the Spartan Daily and will be edited for gram-

mar, libel and length.

Categories available to non-Daily staff writers are:

Campus Viewpoint: 300-500 word essays on current campus, political or personal issues. Submissions should be well researched.

Letters to the Editor: Up to 200 words responding to a certain issue or point of view.

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SPARTA GUIDE

SpartaGuide is a daily calendar available to SJSU students, faculty and staff organizations at no charge. Deadline for submission: 5 p.m. two days before publication. Forms are available at the Spartan Daily, DBH 209. Limited space may force reducing the number of insertions.

PHONE: 924-3280
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TODAY

ASPB: Concert, "The Bliss Nineties," noon, S.U. Amphitheatre, call 924-6227.

ALCOHOLICS ANONYMOUS: Open 12 X 12 meeting, 12:15 p.m., Campus Christian Center, call 266-9606.

ANIMANIACS: Bubblegum

crisis special, 3 p.m., Engr. Auditorium room 189, call 259-9134.

ARTISTS IN MINORITY AND PLAYERS DRAMA CLUB: Second Annual talent exposé, 7:30 - 9:30 p.m., HGH 103, call 496-1678.

CONDOM CO-OP: Condom sales, 10 a.m. - noon, in front of Student Union, call 924-6143.

FANTASY/ STRATEGY

CLUB: Summer — gaming assignment, 5:30 p.m., S.U. Pacheco Room, call 924-7097.

GAY & LESBIAN FACULTY/ STAFF ASSN.: Meeting, 12 - 1:30 p.m., University Club Woodward Room, call 924-2738.

SJSU CYCLING TEAM: Officer elections, 7 p.m., S.U. Costanoan Room, call 376-0549.

SJSU WING CHUN ASSN.:

Meeting, 7 - 9 p.m., Women's Gym Patio Area, call 249-8573.

THURSDAY 14

FOREPLAY THEATRE: Auditions, 1 p.m., Health Building 208, call 924-6204.

NOTE TO ALL DEPARTMENTS FROM LT. BRUCE M. LOWE:

With another semester rapidly coming to an end, it is again time to remind you that students who are in possession of University keys should return these keys no later than May 31, 1992, or have an extension letter sent to the Key Control Center by their Department. The next due date will be August 31, 1992.

Campus computer access is racist

Lack of computer access for minorities causes more tensions

There are no easy answers to the problem of racial inequity, but it will get worse in the next 20 years. Why? Because most blacks and other minorities don't have access to the technology that empowers people to reach their dreams.

The riots in Los Angeles were not completely about the difference between the rich and the poor. The riots were sparked by the hopelessness that comes from not being a part of society. How many blacks have a Macintosh in their bedrooms like I do? How many have cellular phones? How many have fax machines? How many can afford the \$700 for the next round of technology which Apple is calling Personal Digital Assistants?

Not very many. If a large percentage of underprivileged minorities don't get computers soon they will be once again left behind. No amount of welfare will stop the next riots if blacks and other minorities feel that they aren't an important and integral part of society. Computers will be the way that people run their society in the very near future (if they aren't already).

So, why should whites care if minorities can afford a \$3,000 computer — not to mention the \$50-a-month CompuServe bills that I run up every month? They shouldn't, if they don't mind having the valley burnt down in about 15 years. Listen: Los Angeles was a warning to us in the great Silicon Valley. Whites are creating a new racist (if not supremacist) society with their computers. Whites are — on purpose or by apathetic inaction — keeping minorities from getting their hands on the very technology that will help blacks raise themselves up by their bootstraps.

By keeping minorities from access to computing technologies we are creating an "information gap." Whites have, because of their ownership of computers, access to information that helps us run our lives more efficiently. To give an example, today I dialed the library and made a list of books that I wanted to check out. Then I dialed Prodigy and, for fun, I checked out the voting record of Tom Campbell, who represents me in Congress.

Then I dialed up CompuServe to check if there were any new jobs posted on the Journalism forum there. I stopped to talk to a few editors from across the nation about how the industry is covering the riots in L.A.

To top off my electronic journey, I read the day's top stories from Associated Press. The whole journey took only half an hour.

Let's tell the truth here. I'm doing something right now that many blacks could never do. I am working on my homework on a journalism department Macintosh at 3 a.m. The janitors all know me. The police all know me. The department chairman knows me. The faculty knows me. And BECAUSE I AM WHITE, I can stay in the building at all hours. (I also have a staff ID card — funny how white nerds can get a job because they know all about computers.)

Ever meet a black nerd? I dare Juan Haro (or any of his non-white friends) to try to stay in an SJSU building until 3 a.m. Just think about what people would say if there was a black staying in the building after closing time. Hell, Haro was arrested for walking across campus in the daytime in his "gangster clothes." I admire Haro for trying to change

the INNATE RACISM that exists here at SJSU. But he won't be able to break the barriers in this school without the help of at least a few whites. We (whites in power at SJSU) need to look at our policies with an eye for inherent racism.

Start with access to the latest technology: I got my job because I knew more about computers than anyone else who applied — even after having affirmative action weighting applied.

Do blacks, Hispanics, Asians and other minorities have at least equal access to our computer labs and technology? Appearances might say that they do. But look closer. Are the technicians who run the labs helping out blacks as much as they help out white students? NO. Are the teachers who love computers, and know what they can do, reaching out to blacks and trying to excite them about the new technologies? NO.

Ever hear someone say that blacks can't learn computers? I have. (Women have heard that said about themselves, too).

Are we offering blacks a chance to use computers late at night, especially in the dorms? NO. (Many whites have computers and can work late at night or they can afford to go to Kinkos). So the cycle continues. Blacks can't compete for jobs so they remain enslaved to "whiteness" and need handouts to survive.

I am not blameless. I don't have any black friends. There are no blacks in either of the Macintosh User groups that I attend. I have never offered to help a black set up his or her computer (I have set up more than 200 in the past five years).

I want to change. If you are a traditional minority and want access to computers and/or free help learning how to use them, give me a call or send me a letter. I will dedicate some time each week to tutoring traditionally discriminated-against people on



the use of computers (I'm already paid to help journalism students learn them). I will also urge my user groups to actively recruit minorities. And I will urge my department to make sure that minorities have extra access to technology.

It's not an easy answer, but it is a start.

The Computer Information Center says that it is changing the settings on the Kermit program on campus. The new settings are: Parity none, 8 bit, 1 stop bit. The new settings take effect June 15. The CIC is handing out new versions of Kermit at its offices in Washington Square Hall 117.

Thanks to all of my regular readers. I will be around the Daily all semester. Drop a line or write me on Prodigy (NTSR12A) or America OnLine (ROBERT4018). To all of the nerds out there: use your machines to change the world and see you on the phone lines of the world and may everyone get a PowerBook.



Make \$7.50/hr. as a Lifeguard. City of San Jose is accepting applications. For more info, call 277-5130

Judge to reconsider Apple suit

SAN FRANCISCO (AP) — A federal judge on Tuesday reluctantly agreed to reconsider his earlier decision dismissing most of Apple Computer Inc.'s \$5.5 billion copyright lawsuit against Microsoft Corp. and Hewlett-Packard Co.

U.S. District Judge Vaughn Walker said he was granting Apple's request because of the importance to the computer industry of the case, which involves the similar screen displays of competing programs intended to make using personal computers easier.

Walker, however, scolded Apple for adhering to arguments that the "look and feel" of its Macintosh programs was protected and for filing some legal papers as late as Monday, nearly a month after his decision.

"The defense says it's too late in the day for Apple to do this, and the defense is right," the judge told a courtroom packed with lawyers and reporters.

"The court is sorely tempted for that reason to reject Apple's motion out of hand, and I feel I would be on firm ground doing so."

Edward Stead, general counsel for Apple, declined to comment on the judge's remarks. Walker put off further action on the issue to give Hewlett-Packard 20 days to respond more fully to Apple's latest arguments.

Lawyers for Microsoft and HP — who had said Walker's earlier ruling gave them nearly a complete victory — were not discouraged by his decision on Tuesday.

"This is just a stay of execution," said Jon R. Stark, one of the lawyers representing Hewlett-Packard. "This just delays it a little, but it's not going to change anything. ... We're not going to get any different results."

Walker issued his ruling at a hearing on arguments on several claims remaining in the case. After hearing three hours of arguments, he took the matters under submission.

"The work in question is not an artistic work, not a creative work," said Jonathan A. Marshall, an attorney for HP. "This is a functional work."

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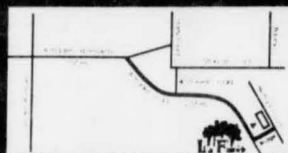
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Alternative newspaper appears on campus

By Richard Espinoza
Special to the Daily

A new, highly conservative newspaper hit SJSU May 6, and it's generating enough discussion to fill several op-ed pages.

The Spartan Spectator, a publication of the SJSU College Republicans, bills itself as "the leading edge of the coming backlash."

The tabloid-size newspaper, the premiere issue of which features an American flag set within the paper's flag and a front-page headline which reads "Harris executed . . . what a gas," aims to provide a balance to what it calls a Spartan Daily editorial-and-news style that varies "from left of center to left of Lenin" by emphasizing conservative viewpoints in the news and editorial copy.

"I think the (Spartan Daily's) editorials are way too far to the left," said Spartan Spectator interim Editor-in-Chief Brian Murtha. "In the news coverage, it seems like the Daily is providing a voice for the voices of multiculturalism. I have nothing against diversity — none of us are racists or anything like that — but it seems that universities in this country are becoming temples of worship of cultural diversity rather than centers of higher learning."

Murtha sees the spread of multiculturalism leading to "the vilification of western culture, white males, straight people and people of color who don't agree with the radicals."

The Spectator's editorial staff does not seem surprised by the strong nega-

tive reactions some students have expressed after reading their newspaper. In fact, they seem to welcome any response that may eliminate what they see as political apathy at SJSU.

Spectator columnist Edward Guernica says the newspaper is intended to "stimulate and polarize and be a catalyst for political discussion on this campus. You don't have to look around much — there's only a few topics that are discussed that can be considered political on this campus. One's the fee cut and the second one is the search for the university president. Even our elections here are without controversy."

Spectator writers are quick to point out that not everything in their publication is intended to be taken seriously, however.

"You have to consider that a lot of the paper is attempted as parody," Guernica said. "A lot of the paper is not meant to be a serious political discussion."

One item which has generated strong negative comments is a parody advertisement which reads, "PLEASE DO NOT RECYCLE THIS NEWSPAPER!!! Lumberjacks need to make a living too."

Guernica did not compose the ad, but he emphasized that it was created "absolutely tongue-in-cheek." He also said the ad is "extreme parody and the reaction it's supposed to elicit is humor, not a negative anti-environmental attack."

Guernica is somewhat critical of the Spectator's reliance on parody and humor in the premiere issue. As vice

president of SJSU College Republicans, he prefers an editorial style that relies more heavily on persuasion and less on parody, but has no plans to enter the editorial hierarchy at the Spectator when it resumes publication in the fall. His class load and involvement with other campus groups may keep him from spending much time with the Spectator.

If he does return in the fall, however, Guernica wants to start a column in which one College Republican member will express a conservative viewpoint while another member will argue the liberal line on a topic.

"I think it that will be good because it'll shock a lot of people that conservatives can actually think of the issues," Guernica said. "A lot of people see conservatives as polarized — as having blinders on — and our whole point would be to show that it's not the conservatives that actually have the blinders on, it's a lot of the liberals and the media that actually puts the blinders on people."

Guernica also hopes the Spectator will hear from people with opposing philosophies, thereby adding to the free marketplace of ideas that can make university life so interesting.

"Just because it's put out by the College Republicans doesn't mean we don't want contributions from people who disagree with us. We want that. That's the way you stimulate discussion," he said. "The goal of a university is freedom of speech, in essence to deal with the situations that are confronting society."

Even the Spectator's critics say

they welcome other viewpoints. Phil Kaffen strongly disagrees with opinions presented by the new newspaper, but he thinks new political forums are a good idea.

"I think it would be good if we had a quality conservative newspaper," he said, adding that he doesn't feel the Spectator meets his requirements of "good" and "quality."

He said the Spectator's editorials fail to prove their points, saying the newspaper never proved its argument that capital punishment is a deterrent.

"The articles are written in a way to make liberals angry," not to persuade them to the conservative point of view, Kaffen said.

Murtha, the Spectator editor, doesn't lay all the blame for what he considers the Daily's liberal slant on the newspaper itself. The real problem, as he sees it, is that too few political conservatives go into journalism careers. The Spectator has no journalism majors on its editorial staff, but the editors are considering posting recruiting flyers near the journalism classrooms.

Most of the 10 writers and cartoonists who contributed to the May 6 issue are political science, English, business and math majors, but they received a three-week, hands-on crash course on newspaper production as they worked on the Spectator's first issue.

"It wasn't easy," Murtha said, who found himself having to write about half of the newspaper's articles. Most information in the Spectator's news copy came from local newspapers and

conservative publications such as The New Republic. The staff takes general information from the mainstream media and puts a conservative spin on the story.

Getting the finished newspapers into the public's hands proved to be a bit of a challenge as well. The editorial staff and College Republican members have been distributing the 4,000 issues throughout the campus by hand after some members noticed that entire stacks they left in classrooms were sometimes missing shortly after delivery.

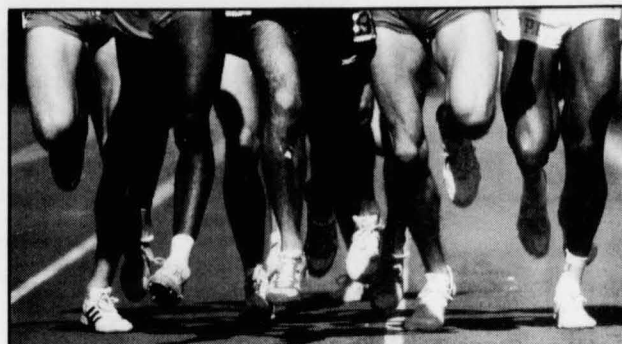
Kaffen, an Environmental Resource Center volunteer, saw a "nervous-looking" woman enter the ERC May 6 with a stack of Spectator newspapers she was probably deliver-

ing to the paper recycling bin.

But even hand distribution wasn't entirely effective in getting the Spectator to SJSU students and faculty. Some people simply refused to touch a conservative publication. One student who declined to be identified said the bold American flag on the Spectator was all she needed to see before she decided she didn't want to be exposed to the articles.

Kaffen doesn't condone keeping the Spectator away from the public. In fact, he hopes the newspaper's flawed arguments will bring it down.

"I think the more of them they put out, the worse publicity they're going to get," he said. "I don't doubt that there are some intelligent people behind this," he later added.



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By Dorothy Klavins
Daily staff writer

The death penalty is carried out regardless of the criminal's or victim's race, according to white males polled at SJSU for a recent survey.

This is one of the startling discoveries of Laurie Mason's graduate class in research methods, a course offered by the journalism and mass communications department.

Mason's class conducted a survey of students immediately after the execution of Robert Alton Harris but before the acquittal of four police officers in the beating of black motorist Rodney King.

The students compiled 130 questionnaires. Respondents were a mix of white and non-white men and women of various ages and from different locations across the SJSU campus. This survey only took into account the SJSU campus population; it cannot be extrapolated to the population in general.

White males on campus responded differently from the rest of those questioned. This group responded that race has little effect on chances of getting the death penalty. White women and all non-whites polled tended to see the criminal's race as having a lot to do with whether or not a criminal gets the death penalty.

Consider the results when the question is personalized to the Harris case: "If Harris had committed the same crime — involving the white boys — but if Harris himself were not white, would he have been executed sooner?" Seventy percent of white men answered "no" to the question. Non-white men took the opposite opinion — 70 percent replied "yes."

Why the big difference? Many news articles ran about the fairness of the execution in terms of the victim's race. The media quoted statistics suggesting that a non-white killer, compared to a white killer, is more likely to be given the death penalty. One possible explanation for the polarity of views, discussed by Mason's graduate class after the survey, was that white males would be the ones who think it's fair since the system tends to favor white males.

Further discussion revealed that white males on campus often complain about the lack of scholarships or jobs after graduation, Mason explained. White males believe women and ethnic groups have all the breaks today.

In this backlash, the information in the media concerning the unfairness of a system is ignored by a whole group of individuals who are tired of being beat over the head by quotas and minority rights, according to a post-survey analysis by Mason and her class.

Surveys are intended to generate discussions such as these. They lead individuals to think about things in a different manner — trying to piece together information from the responses with theories that would enable predictions.

After this survey, there could be a follow-up to see if the recent Los Angeles Police Department police brutality verdict in any way affected the white males' thinking. Also, questions could be raised about how the media affect some people and not others. A lot of people with power don't follow what's happening in the world, Mason explained.

"Why is it this information (media coverage) does not move some peo-

ple?" Mason asked.

Her students have had an interesting time with the survey. Another question up for discussion concerned women and the death penalty. When asked if they think the death penalty deters other potential criminals, 72 percent of white women said "no," compared to 41 percent of non-white women who said "no."

"I'm baffled," Mason said. "What is it that's different?" White women have been executed more often than

black women. But, women commit fewer crimes resulting in the death penalty. The class has not come up with a consensus on this question.

"In a follow-up survey, additional questions could be added to tease this out," Mason said.

Other interesting findings revealed a majority in all the groups felt the death penalty had the potential to be fair and that it is moral for society to impose this penalty on certain members. When students were asked if

they would repeal the death penalty if they had the power to do so, the majority surveyed tended to say "no."

The survey will be repeated in the fall.

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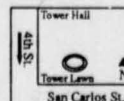
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BUDGET: Problems have no quick fix

From Front Page

ference, according to Sean Garrett, public affairs assistant for Gov. Pete Wilson, is that other programs, such as the K through 14 systems, welfare and prisons are becoming more costly to run. Therefore, said Garrett, they take proportionately more of the budget, or "the pie shrinks" for unprotected programs.

Some of those unprotected programs mentioned by Garrett include the CSU system.

"The CSU system could get squeezed out," Garrett said. "There's not more money coming in."

In essence, that's the dilemma facing the state. There's more money going out for a plethora of programs, both protected and unprotected, and less money coming in to fund any of those programs. With welfare and post-secondary education taking the largest slices, most other agencies and programs must fight for the money.

When Gov. Pete Wilson projected the state budget for 1992-93, estimates were that the state would get \$45,673,000 in revenues. All of that has changed just recently, said Cindy Katz, assistant director for the state's Department of Finance.

Instead of projecting a \$4 billion to \$6 billion deficit, state officials are now talking about a \$8 billion to \$9 billion shortfall based on declining revenues.

When the governor proposed his budget, optimistic figures were for revenues totaling \$45,673,000. But with May figures coming in, and tax projections not holding up true to expectations, state lawmakers are expected to come to terms with the \$8 billion to \$9 billion shortfall.

If those projections come true, it will be the second year California has faced such a large deficit.

Last year, the state went through a \$13 billion deficit.

With such a massive budget hole, Katz said the cuts into the CSU budget will have to be deeper than at first, although she could not project just what would happen.

What that would do to CSU is dependent on state lawmakers, said Bentley-Adler. "Even if we get the 40 percent increase with no other cuts, we're going to have to make some reductions in the campus," Bentley-Adler said.

But before the final line is drawn, the effect of the budget deficit has already made its way to the SJSU campus in the way of limiting enrollment.

For the first time in the history of the campus, enrollment has been limited to 17,500 applications. By March 13, 1992, Admissions and Records had already received 14,000 applications, ahead of projections by about 2,000 applications compared to last fall.

By the April 17 deadline, the university had reached its limit of 17,500

applications, according to Ed Chambers, associate executive vice president of Admissions and Records, and for the first time in the history of SJSU, 1,000 applications were returned.

The need to limit applications was based on the number of students who were returning, about 24,000, as well as the budget problems, Chambers said.

Wanting to maintain quality education, the deadlines were established and those applicants missing the cutoff number were rejected.

And if limiting enrollment wasn't enough of a sore point, the California Faculty Association sent a letter to the CSU trustees notifying them of possible lay offs at SJSU. Those lay offs, just projections at this point, number 146 full-time faculty positions, or about \$2.9 million in cutbacks for the campus.

The letter served as a 90-day notice for tenured and tenure-track faculty members, and is just a formality at this point.

Still, if the projected \$8 billion to \$9 billion holds true, the CSU "will have to make additional cuts," she said.

What those cuts will amount to is anyone's guess. The Chancellor's Office could only make projections based on first figures. And those figures were already a harbinger of doom and gloom.

But in 1991, those figures turned to reality and the CSU was forced to cut back 5,000 classes, eliminated 743 non-faculty positions, and added an additional 125 management positions while reducing faculty positions by a thousand.

The bottom line, according to figures presented by the CSU, was a reduction of \$145 million in the systems budget.

But the savings wasn't enough.

That's why the governor requested a 40 percent increase in student fees, or about \$116 million to supplement the CSU coffers. Yet even with the 40 percent increase in fees, the CSU will still be short an additional \$85 million, according to CSU officials.

That's because the actual hole in the CSU budget is closer to \$201 billion, according to figures presented by Molly Broad, senior vice chancellor, Administration and Finance for the Chancellor's Office.

In front of the state Senate's Subcommittee on Fiscal Review and Finance, Broad said the actual figure was higher due to interest on bonds that need to be paid back. The exact number of bonds, or the total interest due on those bonds is not known, according to Bentley-Adler.

But the greatest concern for students is still fees.

A 40 percent increase in student fees would represent \$372 per year, or \$116.9 million to spread between the 20 campuses.

In one lump sum, the number seems staggering, considering the fact

'The CSU system could get squeezed out. There's not more money coming in.'

Sean Garrett
Public affairs assistant for Gov. Pete Wilson

that students are already paying an additional 10 percent surcharge, which was to be a one-time-only deal, but now seems destined to become permanent.

But broken down into school days, the amount is about \$2.58 per day.

Still, with state budgetary problems getting worse and worse by the day, the actual percentage increase could be higher, or could be triggered again next year depending on whether the state carries over this year's deficit into next year.

And that scenario seems likely to happen, said Katz.

Should that happen, student leaders are hard-pressed to say just what the final outcome will be.

Right now, CSU administrators are "trying to take the easy way out with the 40-percent increase," said Jeff Chang, legislative director for the California State Student Association.

If there are additional cuts, or if the process repeats itself next year, "the presidents (of the campuses) are going to hit the panic button," Chang said.

CSU is the largest system of senior higher education in the nation, with 20 campuses that stretch from the pristine forests of Humboldt to the warm waters off San Diego, with nine off-campus centers scattered in between.

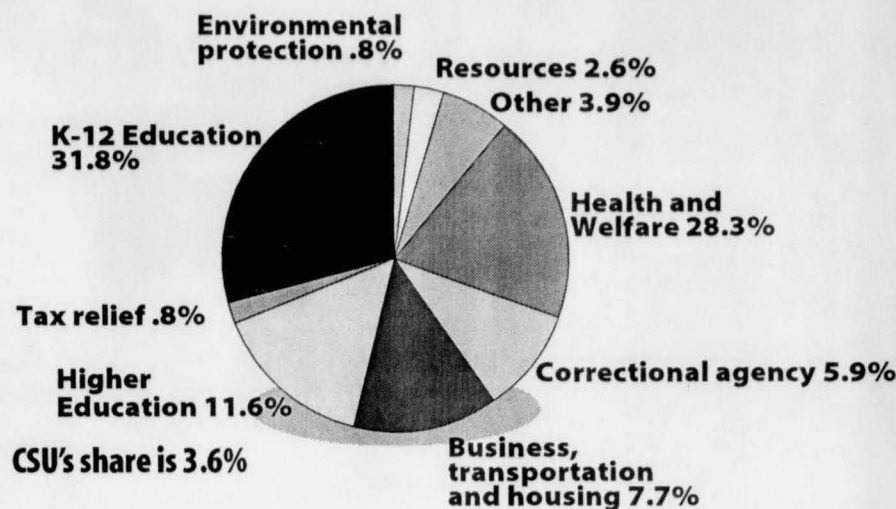
According to a brochure published by the CSU, the education powerhouse has been in existence since 1960, with the oldest campus being SJSU, founded in 1857, while the youngest institution is San Marcos, opened in 1990.

Since its early years, more than 1.3 million bachelor's degrees have been conferred, and 230,000 master's degrees as well as 200 joint doctorates have been bestowed. Two hundred alumni work in the state capitol, including 40 legislators.

Ten percent of state employees are CSU alumni, and 70 percent of all state instructors received their degree from one of the 20 campuses. Nationwide, 10 percent of all instructors are educated through the CSU system.

And of those who have come through the halls of one of the 20 campuses, quite a few have become stars, celebrities or well-known figures in their own right. Some of these CSU grads include: actor Steve Martin, former Baseball Commissioner Peter Ueberroth, actors Kevin Costner and Gregory Peck, former Oakland Raiders coach John Madden, actress Raquel Welch, President of Rockwell

CSU's piece of the pie smaller than ever



International Donald Beal, tennis star Billie Jean King, U.S. Ambassador William Clark Jr., and sculptor Robert Graham.

There are a total of 36,000 people employed by the system, with faculty representing the largest segment, 17,700 or 49.2 percent.

Full-time faculty employees number 11,820 of the entire work force, with an additional 5,900 part-time faculty members working within the system.

Of the total \$1.6 billion budget, almost 100 percent, \$1.36 billion, is devoted to employees and benefits, according to Colleen Bentley-Adler, CSU spokeswoman.

The governing body consists of 15 trustees appointed by the governor, as well as one student trustee, and one faculty trustee and one alumni trustee. Ex officio trustees include the governor, lieutenant governor, speaker of the assembly, state superintendent of public instruction, and the chancellor himself.

Ex officio trustees do have voting power, but are seldom in attendance to

use that power, according to Max Benavidez, spokesman for the chancellor. It is the 15 trustees who make the final decisions as to how the system is run, by setting the policy for the system.

Although the CSU has a chancellor, Barry Munitz, it is the governing board which makes the final decisions based on what the chancellor brings forth through the staff. In essence, it is the chancellor who oversees the system, while the trustees approve and give direction to the chancellor and his staff, according to Benavidez.

While the chancellor, his staff and trustees are the front figures of the CSU, it is often the state legislators who play in the shadows and draw the purse-strings that make or break the system.

And in the case of this year's budget mess, it is once again the state legislators who are lurking in the background as the system struggles to the surface in a time of drowning economics.

What will happen in Sacramento is

still up in the air. But there are members in both the Senate and Assembly who have expressed a reluctance to go with a 40 percent increase in fees. Without support for the increase, Gov. Wilson will need to find a compromise to break the budget deadlock.

And without the proposed increase, CSU administrators are wondering just where to turn for more money. If not the students, then who?

So, what's the way out?

Private funding from businesses and CSU's two million graduates would be the first step, although CSU generated only \$97 million in private funding last year, according to Bentley-Adler.

But \$97 million in funding still leaves the system short by \$104 million. So, unless the state comes up with the revenue, the U.S. Supreme Court overturns Proposition 13, or the economy does a quick turn-around, Chicken Little may have been the prophetic messenger of days just ahead.

State may have to use IOUs

SACRAMENTO (AP) — Facing potential IOUs for the first time in more than 50 years, recession-weary lawmakers have begun crafting a barebones budget virtually certain to make deep cuts in state programs.

"This is by far the worst I've seen," Assemblyman John Vasconcellos, the lower house's principal budget writer, said Tuesday as a two-house conference committee held its first meeting. "California is in a situation that is without precedent."

Gov. Pete Wilson was scheduled to meet today with legislative leaders to discuss the budget situation.

The problem is that the 22-month-old recession has cost California nearly 700,000 jobs and has crippled the state's ability to capture money to pay for its operations.

The state doesn't have enough cash on hand to pay pressing bills — such as next month's payment to school districts — and it faces increased interest rates as its financial structure weakens.

The Legislature's budget conference committee, a special panel comprised of three members each from the Assembly and Senate, opened negotiations on a \$60 billion-plus spending plan as fiscal experts offered a woeful forecast of a lingering recession and little hope of economic improvement until next year, at the earliest.

The parley got under way amid an escalating checkbook confrontation between Wilson and state Controller Gray Davis. The governor rejected Davis' request for \$4 billion short-term borrowing authority to cover the state's cash crunch, saying Davis could only borrow up to \$750 million and that repayment would be due by July 5.

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Photos By
Marcio J.
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On the last day of instruction in the occupational therapy clinic, students and clients got tangled around a ball of yarn as a symbol of unity. Students in the clinic deal with clients who have chronic mental illness.

Occupational therapy clinic offers help



Senior O.T. student, Kelly Way (right), helps client Van Nguyen

Atmosphere is unthreatening and friendly

By Smita Patel
Daily staff writer

When clients first come to the occupational therapy clinics at SJSU, they are often inhibited and frightened. Some hide behind language barriers, while others, lacking the basics of personal hygiene, come to the clinic ungroomed.

What they find is a friendly, unthreatening atmosphere and a student therapist who will work exclusively with them for the space of the semester.

Students in SJSU's occupational therapy program do more than just learn — they provide a community service as well.

Each semester, students in an occupational therapy clinic work with people with chronic mental illnesses, learning how to work on an interpersonal level while at the same time

helping people who would have otherwise fallen through the cracks, according to Anne MacRae, the faculty adviser for the clinic.

Last week, students and clients had their final meeting of the semester. The clients came into the room relaxed and confident. One or two were hesitant and withdrawn, but others were smiling as they gravitated towards the food out on a table.

The clinic, which this semester consisted of 12 students, pairs each student up with a single client. During the course of the semester, students and clients meet twice a week and work together on various projects and activities which are designed to help each individual client with his or her particular problems.

The student therapists design many of the activities themselves, based on their individual client's needs.

Cha-cha music followed by a Tracy Chapman song played in the background as the clients mingled with the therapists and one another.

The music was one of the projects students and therapists worked on during the semester, according to Patrice Perlin, one of the student therapists.

Everyone in the group brought in

their favorite piece of music, the clients sat down, decided which pieces would go together and what order they should be in and compiled the tape, Perlin said.

The final clinic of the semester also served as a commencement for the students and the clients to acknowledge their accomplishment in participating, Perlin said.

Each client was awarded a certificate of completion that had been colored by the student therapists.

"For a lot of them, it's a challenge to come here and participate, so this is just to recognize that they attended and they succeeded and they finished," Perlin said.

Both students and clients say they've gained something from the clinic, but students often say they have received more than they have given.

"I just view mental illness so differently from when I first started," said student therapist Kathy Slavics. "It's been a real learning experience — it's been good for everybody."

The clients also felt they accomplished a great deal through the course of the semester.

"The clinic helps a lot," said Dave, one of the clients who did not want his last name used. "It gives me something to do when I don't have anything else to do."

Dave, who said he likes working with his hands, made an origami mobile by folding colored paper into intricate shapes of animals. According to Dave, the "young ladies," like his student therapist Giesella Romoser, were the best part of the clinic.

"The thing that I have learned from this clinic is that we must have a hobby — all of us must have a hobby," said another client who asked not to be named. "I learned I could work with my hands."

Many of the clients mentioned the friendships they had made as one of the highlights of the clinic.

"I had a good time — made some good friends," said Jason, one of the younger clients.

Jason's thought was echoed by his

'For a lot of them it's a challenge to come here and participate ...'

Patrice Perlin
Student occupational therapist

student therapist Tom Lucas, who said he and Jason really "hit it off" because of the similarity in their ages.

"I was a lucky dog to get him," Lucas said.

Since the clinics are part of the occupational therapy program at SJSU, most of the cost is absorbed by the university, but there is a \$50 fee per client for expenses.

The fee helps pay for materials used during the semester, but it is based on a sliding scale so clients are not rejected on the basis of their

finances.

"I have never refused anyone based on an inability to pay," said MacRae who decides which clients will participate in the program.

Many of the clients come from residential care facilities in the area, MacRae said. Some of the facilities offer excellent care, but others provide only the bare minimums of room and board. So the clinics are a valuable resource for the community, MacRae said.

Students meet with their clients

twice a week for an hour. Before the clinic, the student therapists have a seminar with MacRae which gives them the opportunity to discuss their progress and any problems they may have encountered. MacRae is helped by Ruth Schallert, a graduate assistant.

Once most of the clients had collected in the room, the entire group formed a large circle. Romoser, one of the student therapists took a ball of colored yarn and described their final activity of the semester.

Holding one end of the yarn she described her plans for the summer and then threw the ball across the circle to one of the clients.

That client in turn described his plans, and, holding on to the yarn he tossed the ball across the circle. The ball criss-crossed across the circle forming a web of string, between the happy, laughing group.

"This string here represents us as a group," MacRae said. "We've had a nice, together group this semester."

SJSU's Tower Lawn area will host 12th annual Fountain Blues Festival May 17

By Brian Harr
Daily staff writer

The verdict of the Rodney King case and the havoc that followed, effected downtown San Jose. The Japantown festival, Cinco de Mayo and the Fountain Blues Festival were all canceled.

But thanks to the persistence of the Associated Students Program Board with their the-show-must-go-on attitude, the Blues Festival has been rescheduled for Sunday at 1 p.m.

The Tower Lawn area will host the 12th Annual Blues Festival and its "Harmonica Heaven" theme.

The concert will feature seven bands including Rod Piazza and the Might Flyers who will headline the show.

Only one change needed to be made in order to reschedule the show. Due to a conflicting tour schedule one of the bands, Little Charlie and the Nightcats were dropped from the lineup and Andy Just was scheduled in their place.

Local bands that will also be performing will be Junior Watson and the Lynwood Slim Blues Band, The

It's the biggest blues festival this side of the Mississippi.

Robert Kolar
Executive director, A.S. Program Board

Bobby Murray Band,

The Gary Smith Blues Band, Little John Chrisley and Ginny Sakellar.

The Blues Festival was originally scheduled for May 3, but on May 1 the University Police Department, in coordination with the San Jose Police Department and the mayor, decided that all outdoor events would be canceled for safety reasons.

"After the show was canceled, we got such an overwhelming response from people saying, 'Please reschedule the show ...,' that we had to reschedule it," said Robert Kolar, executive director of the A.S. Program Board.

"It wasn't that much of an effort to reschedule the show," he said. Radio stations that announced the

cancellation of the show also announced the show was rescheduled.

Because it is considered an honor to play at the Fountain Blues Festival, Kolar said the artists were overjoyed to have the show rescheduled. "It's the biggest free blues festival this side of the Mississippi," he said.

The crowd is expected to be the same as it would have been for May 3, Kolar said.

He expects 5,000 people Sunday, with people coming and going throughout the concert.

The show begins at 1 p.m. and is expected to go until 6 p.m.

Last year, crowds for the festival were estimated at 7,000. "We're expecting a similar turnout," said Matt Rubenstein, concert director for the A.S. Program Board.

The Fountain Blues Festival has been presented by the student-run A.S. Program Board for the last 11 years. "This is a student-produced event," Kolar said.

"With finals coming up, it's been taxing on all the people putting it together."

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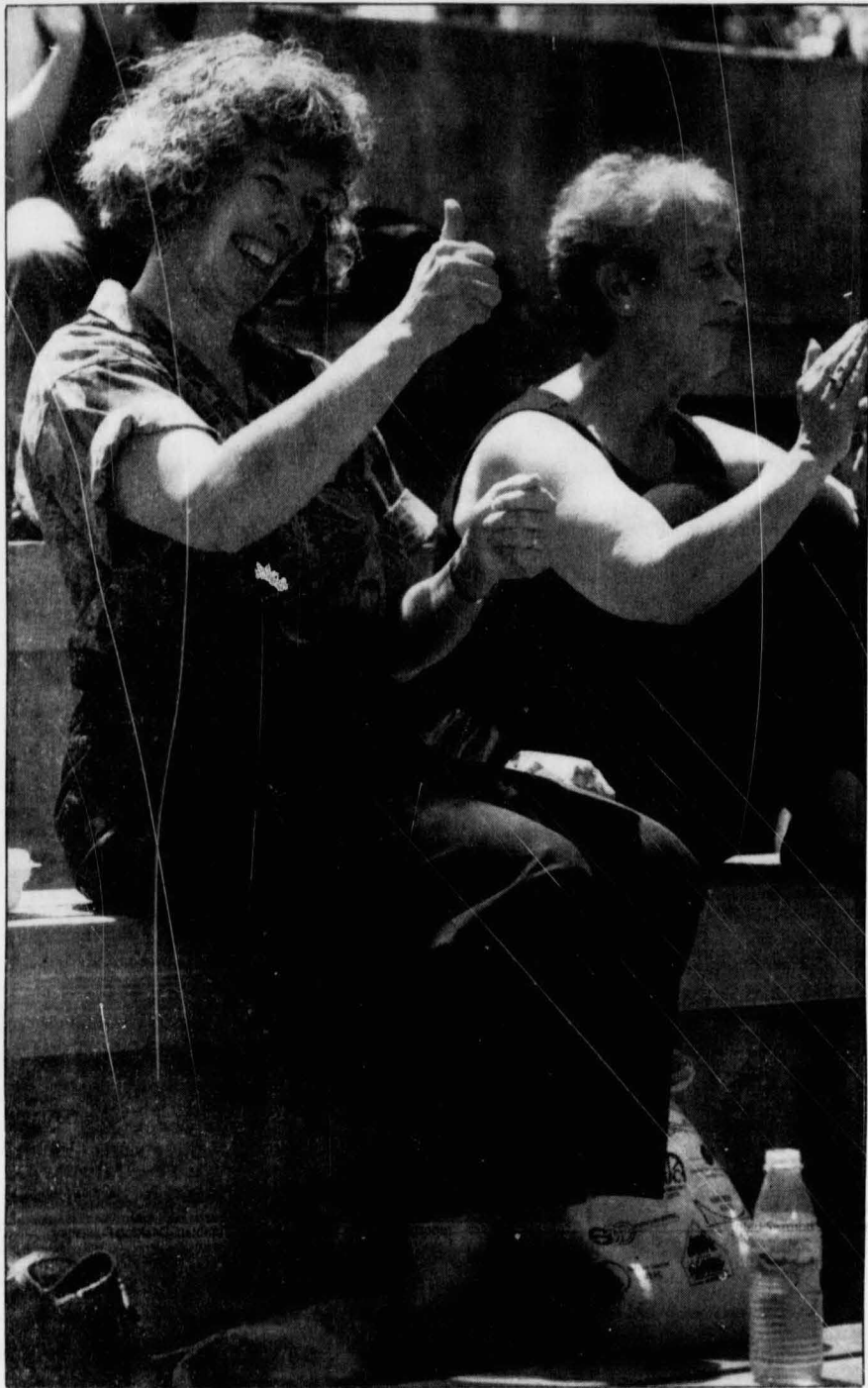
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A cappella in the Amphitheatre



Sing a song for Penelope

Above, Monica Gelormini, left, Raymond Bambao, middle, and Brady Fishler — all of whom are improvisational music majors — jam together with the Vocal Jam Band Tuesday afternoon. The vocal improvisation group is actually a class taught by Greg Murai. The class will be available in the Fall, and information can be obtained by calling Murai at 924-4678 at the beginning of next semester.

Left, Penelope Mann from Campus Ministry gives the Vocal Jam Band the thumbs up sign after the band finished singing a lengthy improvisation in which the only words were Penelope Mann.

Photographs by Lynn Benson

WHITNEY

From Front Page

Whitney has contended all along that the charges were unfounded and that he was unfairly singled out, the election board felt there was enough evidence to request further investigation by the judiciary.

Whitney notified

In a letter dated April 28, Whitney was notified by Mark Scallan, A.S. Judiciary acting chief justice, that the A.S. Judiciary would not proceed with any further hearings regarding the A.S. election violation charges brought against him by the A.S. Election Board.

In the letter, Scallan cited the reasons — an inadequate number of active judiciary members to hear the case and not enough time left in the semester to recruit new A.S. justices. After the sudden resignation of Chief Justice Curtis Jacobson and the decision of Justice Diane Avelar not to be involved because she was a candidate in the election, the judiciary was reduced to two justices.

Whitney said he interpreted the letter to mean the judiciary had decided to drop charges and clear him.

But the letter made no mention of the actual charges levied against Whitney and made no mention of the charges being a part of the decision not to proceed with a hearing.

That made Jason Sandler, SJSU student and A.S. Election Board attorney, angry. He said the letter meant the judiciary had failed in its responsibility to Whitney and the rest of the university.

ty.

"As far as I'm concerned, the judiciary has been in existence for several months and to not have heard this case because of internal problems is a disservice to the university," Sandler said. Even though Sandler is not a lawyer, he was called "attorney" because his role was to make certain the A.S. election code was followed.

Judiciary 'looks bad'

Sandler added that the judiciary's lack of coordination "makes them look bad and left me in the dark as much as Blair."

Phone calls were not returned, Sandler said, and finally — a month later — he received a copy of the letter which was sent to Whitney.

He wonders what will happen the next time a case comes up before the judiciary committee.

Miguel Avila, A.S. director of intercultural affairs, has some answers.

Over the semester, Avila met informally with the judiciary on several occasions and said he understands some of the difficulties they had in performing their duties.

"Three or four of the justices had little knowledge of A.S.," Avila said. "They spent much of their time reviewing the bylaws and looking at amendments to acts and legislation."

To the best of his knowledge, he said, the judiciary had trouble finding faculty members who were interested

in serving on the committee and who had the time to attend regular meetings. According to the A.S. bylaws, the judiciary is supposed to have four students and two teaching faculty members on it. Students receive a stipend of \$100 per month.

Two students and one faculty member constitute a quorum. Without a faculty member, the judiciary could not proceed with the Whitney case. But Avila is confident they will be more effective next semester.

Amendments proposed

After meeting with Whitney, the A.S. Judiciary and among themselves, the A.S. Board of Directors has proposed some amendments to the act which governs the judicial branch, Avila said.

In the future, the judiciary will have one month to act in a case from the time it receives a complaint to the time it makes a ruling. Currently, there is no time limit.

In addition, members in the future will have to decide cases before they leave office so that new justices will not be asked to rule on a case with which they are unfamiliar. Justices are appointed by the A.S. directors on a rotating basis for a term of one year — two in the fall and two in the spring.

"It would be unreasonable to expect the current judiciary to work wonders," Avila said.

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HANDEL: Grasping the future at SJSU

From Front Page

A If the 40 percent does go through, we will be able to avoid letting as many faculty go. And we'll be able to put more classes back into the schedule — how many, I don't know.

I don't know because the May revision of the (state) budget is probably going to say that we're \$4 billion more in debt than we anticipated. We started off the year by being \$6 billion in debt; we are now \$10 billion in debt.

The governor (Pete Wilson) has indicated to all state agencies (including CSU) that they should plan for 5, 10 and 15 percent reductions from our present base budget.

So regardless of how the 40 percent increase hits, we may be well looking at further reductions.

I just told the Academic Senate — and my words are still warm — that we are planning on cutting the budget 8 percent, with or without the student fee increase.

If we get the student fee increase, then that will adjust that 8 percent. If we don't, then we're in deep trouble.

ROTC at SJSU

Q In light of the Academic Senate's sense-of-the-senate resolution calling for the phase-out of ROTC due to its adherence to the Department of Defense gay and lesbian exclusion policy — are you making any predictions for the future of ROTC on campus?

A No. I've received the resolution from the Academic Senate. I'm considering it. I think the Academic Senate is familiar with my position on this matter. I'll just have to see how I can reconcile the two.

Q Given your position that ROTC still has a place on campus — why did you abstain from the vote? (An abstention counts against the affirmative vote.)

A I'm the president. I would have been voting on sending myself a document. There's not much point in that. I can sit and wait for the document to be sent.

It's not unusual for me to abstain; I do it all the time.

Q If the vote had been actually on a policy of calling for the phase-out of ROTC, would you have participated in that vote?

A No. Because it's coming from the senate to me. And the senate already knows, or at least I've tried to make it clear to them, what my position is on this matter.

And I believe in the governance of the faculty, in this instance, from the point of view of the vote. The Academic Senate is advisory to the president — that's its role. So, I don't give myself advice.

Q CSU Chancellor Barry Munitz has authorized the individual university presidents to make the decision on ROTC programs at the university level. Do you want that responsibility? Do you think that would have been better made as a CSU policy decision?

A I think the system has taken as much of a role as it can. The former (acting) Chancellor (Ellis McCune) wrote to the Department of Defense, talking about this issue and asking for a revision of it.

In some ways the system has registered its concern. And I have to tell you that it's a concern I share. I'm not arguing the Department of Defense policy. What I'm arguing is what we are doing to it as an institution.

Q How does your position as a key negotiator with the military for the acquisition of Fort Ord as a new CSU campus conflict with your decisions on ROTC?

A It has absolutely nothing to do with it — in any way, shape or form.

We are not talking with the military about the acquisition of Fort Ord because of ROTC. We're talking about acquiring Fort Ord because it is becoming vacant and is going to be offered to us by the federal government.

The fact that we have an ROTC program — yes or no — has absolutely no bearing on Fort Ord. The issue is whether we need (Fort Ord) for a university. And that will be handled by the department of education in the federal government.

Fort Ord as the new satellite

Q How is the effort to make Fort Ord an SJSU satellite campus and eventually a new CSU campus progressing?

A It's progressing well. There are a number of issues that have got to be decided yet.

The first one is whether or not we can go there — whether or not the task force that was put together by Congressman (Leon) Panetta (D-Monterey) will give us a base that we can work with, whether or not they can meet our needs for housing, for the area that we need, for the buildings that we need.

The other issues are our justification of establishing a new campus, whether we can justify that in the state. The state Senate has... included \$1 million in the budget over the next two years to make the appropriate studies... to acquire Fort Ord for a CSU campus.

The million dollars is old bond money, from the 1980s, and is not general-fund money.

Everyone that I speak to speaks very positively of it. It will be an enormous advantage to us in the CSU and in the state of California. It will save the taxpayers of this state close to \$800 million — the cost of building a campus.

Q Is the addition of a Fort Ord campus prudent in light of the CSU budget crisis?

A It's absolutely essential. If it doesn't happen at Fort Ord, it's got to happen at a number of other places.

The budget crisis is a crisis indeed; there's no question about it. But it's a crisis that will pass — one way or the other. Something will happen to resolve it. Either we'll go bankrupt and leave, or we'll get more money or we'll find a different way of funding.

Within the next decade, the CSU is going to have to handle between 140,000 and 180,000 new students. Those people will be banging on the doors of higher education — in the

CSU system. There is absolutely no way we can accommodate those students under our present facilities.

The search for a president

Q What was your reaction to the news that you would be occupying your present post for another year?

A I think 50 percent of me was saying, "Well, OK, I'll do it again," and 50 percent of me was saying, "I wish we had gotten someone." Because I think that would have been a good culmination of the search process. But it didn't work out that way, and I was re-appointed.

Q What do you think should be done differently in next year's presidential search process?

A I think the people involved in the search process have got to understand that we are trying to appoint a president of a major institution — who would be the president for everyone. I think that tended to get blurred.

And I think a lot of interest groups started to proselytize their own candidates or approaches — and that didn't help.

Also I do believe the CSU system is not in a good recruiting position. The salaries are down — the budget is at an all-time low. This is not the happiest of systems to enter at the moment. Many of our candidates... would have had to take a pay cut to come here.

I think the search committee did the best it could under the circumstances.

What to do next year? I really don't know. And it's probably inappropriate for me to say — since I'm in the position that I'm in.

The future of San Carlos

Q What are you planning to do to keep San Carlos Street closed?

A The deal was that it would probably be opened again in June. And that will probably occur. But I think we should continue our efforts to close it permanently. We have to go through another public hearing.

I tend to feel... having the experience of using the street now that it's closed, and having been around the area, that it hasn't been the catastrophe that everybody said it would be. In fact, I think it's been a very unifying element in the campus.

I'm hoping that Proposition 153 passes in June. That would give us the funds to landscape Ninth, Seventh and San Carlos — and make these streets and this area a very nice place to be.

I'm very positive and optimistic about the future and closure of San Carlos Street.

Q What can we expect next fall? If San Carlos re-opens in June, will it still be open in the fall?

A I don't know that we can expect anything just at the moment. I think we've got to take it step-by-step. There are a lot of negotiations to be undertaken yet. And I'm not sure that I'd like to promise anything. Obviously, from a personal point of view, I'd like to close the thing.

Q Do you feel that the local business and home owners who are fighting the closure are winning their battle with the city?

A There have been a lot of concerns voiced by people who have voiced those concerns from the beginning. And we're still trying to listen to them and hear them. But I think that many of the anxieties have been allayed, and many of the claims of death, destruction and mayhem have been negated.

Division 1A athletics at SJSU

Q What is the future of Division 1A athletics at SJSU?

A I think it's a major concern. I think if we stay in athletics, we've got to stay in Division 1A. And I think that we've got to do it right.

One of the things I've been able to

accomplish this year is to get a few alumni, who have historically walked away from this place, to come back. We have told them what our problems are. And I am pretty well assured that we have improved the picture for intercollegiate athletics to the 10th degree.

The problem with Division 1A — or with any athletic program right now in the CSU system — is of course this budget situation we're in. And the intercollegiate athletics program is not immune to those cuts.

What that means is that we have to bring in more money from the outside. And if that can't be accomplished, then we have some serious and significant decisions to make this next year.

I'm optimistic that we will be able to bring in extra money. I'm optimistic that we have a very strong cadre of supporters which we didn't have a year ago. And they will do their best.

For the first time, we've got no deficit anticipated in the budget in athletics. It's being covered by outside funds. There is enormous interest in raising money in the community — and we'll see what happens.

The bottom line is that we've got to get more money in the program. And if we don't get more money in the program, we've got a problem.

Challenges ahead

Q What is SJSU's biggest challenge for the coming year?

A It's going to be one of accommodating the budget and, at the same time, continuing with (SJSU's) mission.

Q What is going to be your biggest challenge as next year's interim president?

A It's keeping everybody together so that we can do that.

The most important thing about universities are the people that are in them — the students, faculty, staff. And I'm a strong believer that when we're all on the same sheet of music, we can do whatever we want.

Student steps down, leaves vacant seat in A.S.

By Angela Hill
Daily staff writer

A vacancy has opened in the Associated Students office.

Robert Scoble, winner of the A.S. Director of Communications position in April's A.S. elections, has stepped down for personal reasons, leaving the seat empty.

Scoble, a senior in journalism, listed an intensive workload in his decision to leave A.S. He will continue his job as a technician in the journalism department as well as taking on the job of production editor at the Spartan Daily, a position he held once before in the fall 1991 semester.

"I realized I was overextending myself," Scoble said. "I have an internship in the summer, I'll have these two jobs and I'm getting married in January. I couldn't fit A.S. into my schedule."

ule."

To fill the vacant spot, the A.S. Personnel Committee will advertise the position, accept applications, review them and make a recommendation to incoming A.S. President Todd Laverling, according to Miguel Avila, current A.S. Director of Inter-cultural Affairs. Laverling's selection must then be approved by the full A.S. Board of Directors.

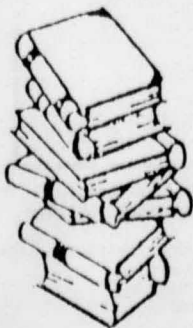
The Director of Communications chairs the A.S. Public Relations Board, advertises student services, works with the Homecoming Committee and handles any other public relations for A.S., Avila said.

"I feel sorry that I ran and I wasn't able to complete my duties," Scoble said. "I took all of my other involvements into consideration when I ran, but getting the Daily job is what pushed me over the edge."

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